

1 F. Christopher Austin, Esq.  
Nevada Bar No. 6559  
2 [caustin@weidemiller.com](mailto:caustin@weidemiller.com)  
**WEIDE & MILLER, LTD.**  
3 10655 Park Run Drive, Suite 100  
Las Vegas, NV 89144  
4 Tel: (702) 382-4804  
Fax: (702) 382-4805  
5

6 DANIEL LUSTIG, ESQ. (*pro hac vice* forthcoming)  
Florida Bar No. 059225  
7 [daniel@pikelustig.com](mailto:daniel@pikelustig.com)  
8 DOMINIQUE J. TORSIELLO, ESQ. (*pro hac vice* forthcoming)  
Florida Bar No. 0125143  
9 [dt@pikelustig.com](mailto:dt@pikelustig.com)  
**PIKE & LUSTIG, LLP**  
10 1209 North Olive Avenue  
West Palm Beach, Florida 33401  
11 Tel: (561) 855-7585  
12 Fax: (561) 855-7710

13 *Attorneys for Defendants, DR. RICHARD GAINES and*  
14 *LIFEGAINES MEDICAL AND ANESTHETICS, LLC*

15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF NEVADA**

17 CENEGENICS, LLC,

18 Plaintiff,

19 v.

20 DR. RICHARD GAINES, THE ANTI-  
21 AGING GROUP, LLC, a Florida limited  
liability company, SEXUAL MD  
22 SOLUTIONS, LLC, a Florida limited  
liability company dba GAINSWAVE,  
23 LIFEGAINES MEDICAL AND  
24 AESTHETICS, LLC, a Florida limited  
liability company, AND HORMONE  
25 CLINICS,

26 Defendants.

Case No.: 2:19-cv-01797

**STIPULATION AND ORDER FOR  
EXTENSION OF TIME TO ANSWER  
OR OTHERWISE RESPOND TO THE  
COMPLAINT**

**(First Request)**

27 Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Rule 1A 6-1, Plaintiff  
28 Cenegenics, LLC and Defendants Dr. Richard Gaines (“Gaines”) and LifeGaines Medical and

1 Aesthetics, LLC (“LifeGaines”) (collectively, the “Defendants”), by and through their respective  
2 counsel of record, Brownstein Hyatt Farber Schreck, LLP, on behalf of Plaintiff, and Weide &  
3 Miller, Ltd., appearing on behalf of Defendants, hereby agree and stipulate for an extension of  
4 time for the Defendants to file and serve their answer or other responses to the Complaint from  
5 the current deadline of November 7, 2019, up to and including November 18, 2019. This is the  
6 first request by the parties for such an extension.

7 Good cause for this request exists to provide the parties with time to continue in good faith  
8 settlement discussions. On October 15, 2019, Plaintiff filed its Complaint against Defendants  
9 alleging: i) Federal Trademark Infringement; ii) Trademark Infringement pursuant to Nevada  
10 Common Law; iii) Federal Unfair Competition; iv) Deceptive Trade Practice Under NRS Chapter  
11 598; v) Defamation/Defamation Per Se; and, vi) Business Disparagement.

12 Thereafter, on October 17, Defendants were served with a copy of the Complaint; thus, a  
13 response to the Complaint is due on or before November 7, 2019.

14 Undersigned counsel was recently retained to represent Defendants as local counsel as Pro  
15 Hac Vice applications of Daniel Lustig, Esq. and Dominique Torsiello, Esq. are pending before  
16 this Court.

17 Counsel for Defendants are in need of additional time to fully investigate the allegations  
18 made against Defendants and respond to the Complaint alleging six (6) separate causes of action.  
19 Federal Rules of Civil Procedure 6(b) provides in pertinent part that “[w]hen an act may or must  
20 be done within a specified time, the court may, for good cause, extend the time: (A) ... if request  
21 is made, before the time or its extension expires ....” Fed. R. Civ. P. 6(b).

22 Indeed, “[u]nder Federal Rule of Civil Procedure 6(b), the court may, for good cause,  
23 extend a deadline if a request is made “before the original time or its extension expires .... The  
24 Ninth Circuit has equated good cause with the exercise of due diligence.” Maxson v. H&R Block,  
25 Inc., Case No.: 2:16-cv-00152-APG-CWH, 2017 WL 1078633, at \*2 (D. Nev. Mar. 21, 2017)  
26 (citations omitted).

27 Since being retained, counsel has been acting diligent in preparing the appropriate Pro Hac  
28 Vice applications, as well as beginning to investigate the allegations made against Defendants.

1 However, additional time is needed to properly investigate such allegations and draft an  
2 appropriate response to the Complaint.

3 For the foregoing reasons, the parties hereby stipulate to extend the deadline for the  
4 Defendants to answer or otherwise respond to the Complaint from November 7, 2019, to  
5 November 18, 2019.

6 DATED: November 7, 2019.

7 **IT IS SO AGREED AND STIPULATED:**

8 **BROWNSTEIN HYATT FARBER SCHRECK, WEIDE & MILLER, LTD.  
9 LLP**

10 By: /s/ Michael D. Rounds  
11 Michael D. Rounds, Esq.  
12 Nevada Bar No. 4734  
[mrounds@bhfs.com](mailto:mrounds@bhfs.com)  
13 Maximilien D. Fetaz, Esq.  
14 Nevada Bar No. 12737  
[mfetaz@bhfs.com](mailto:mfetaz@bhfs.com)  
15 100 North City Parkway, Suite 1600  
16 Las Vegas, NV 89106-4614  
17 (702) 382-2101  
18 Matthew D. Murphey, Esq. (*pro hac vice*  
19 *forthcoming*)  
20 [mdmurphey@bwslaw.com](mailto:mdmurphey@bwslaw.com)  
21 BURKE, WILLIAMS & SORENSEN, LLP  
22 1851 East First Street, Suite 1550  
23 Santa Ana, CA 92705-4067  
24 (949) 863-3363

25 *Attorneys for Plaintiff*

By: /s/ F. Christopher Austin  
F. Christopher Austin, Esq.  
Nevada Bar No. 6559  
[caustin@weidemiller.com](mailto:caustin@weidemiller.com)  
10655 Park Run Drive, Suite 100  
Las Vegas, NV 89144  
(702) 382-4804  
  
Daniel Lustig, Esq. (*pro hac vice* forthcoming)  
[daniel@pikelustig.com](mailto:daniel@pikelustig.com)  
Dominique J. Torsiello, Esq. (*pro hac vice*  
forthcoming)  
[dt@pikelustig.com](mailto:dt@pikelustig.com)  
PIKE & LUSTIG, LLP  
1209 North Olive Avenue  
West Palm Beach, Florida 33401  
(561) 855-7585  
  
*Attorneys for Defendants, DR. RICHARD  
GAINES and LIFEGAINES MEDICAL AND  
ANESTHETICS, LLC*

26 **IT IS SO ORDERED:**

27   
28 UNITED STATES MAGISTRATE JUDGE

DATED: 11-15-2019